

**26-20-7 False claims for medical benefits prohibited.**

- (1) A person may not make or present or cause to be made or presented to an employee or officer of the state a claim for a medical benefit:
- (a) which is wholly or partially false, fictitious, or fraudulent;
  - (b) for services which were not rendered or for items or materials which were not delivered;
  - (c) which misrepresents the type, quality, or quantity of items or services rendered;
  - (d) representing charges at a higher rate than those charged by the provider to the general public;
  - (e) for items or services which the person or the provider knew were not medically necessary in accordance with professionally recognized standards;
  - (f) which has previously been paid;
  - (g) for services also covered by one or more private sources when the person or provider knew of the private sources without disclosing those sources on the claim; or
  - (h) where a provider:
    - (i) unbundles a product, procedure, or group of procedures usually and customarily provided or performed as a single billable product or procedure into artificial components or separate procedures; and
    - (ii) bills for each component of the product, procedure, or group of procedures:
      - (A) as if they had been provided or performed independently and at separate times; and
      - (B) the aggregate billing for the components exceeds the amount otherwise billable for the usual and customary single product or procedure.
- (2) In addition to the prohibitions in Subsection (1), a person may not:
- (a) fail to credit the state for payments received from other sources;
  - (b) recover or attempt to recover payment in violation of the provider agreement from:
    - (i) a recipient under a medical benefit program; or
    - (ii) the recipient's family;
  - (c) falsify or alter with intent to deceive, any report or document required by state or federal law, rule, or Medicaid provider agreement;
  - (d) retain any unauthorized payment as a result of acts described by this section; or
  - (e) aid or abet the commission of any act prohibited by this section.

Amended by Chapter 48, 2007 General Session